

REMARKS

Status of Claims

Claims 1, 3-4, 6-7, and 9-15 are currently pending after entry of this amendment. Claims 1, 3-4, 6-7, and 9-10 stand rejected. Claims 11-15 are currently being added to this application. Entry and consideration of these claims is respectfully requested.

Support for Amendments

No new matter is believed to have been added by these amendments

Support for the amendments to Claims 1, 6, and 9 and new claims 11-15 can be found in the specification at page 9, lines 5-16 and FIG. 7.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 4, 6, and 9-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Townsend (4,700,726). Applicant submits that this rejection is overcome by the present amendments. Townsend discloses a cigarette rod with four regions of density, of which the middle two segments vary in density by about 15%, col. 4, lines 28-34.

Applicants have amended independent claims 1, 6, and 9 to include a tobacco rod with only three regions of density. The intermediate or middle region has a density that is less than the two other regions. Claims 11-15 have been added to this application and also include a tobacco rod with only three regions of density. Each region maintains a substantially non-varying density. It is to be understood by one of ordinary skill in the art, that by "substantially non-varying density" it is meant that the consistency of the densities of each region will be based on the ability of conventional tobacco cigarette rod making equipment to keep a consistent density and the inherent density variation in small portions of packed tobacco having a single "bulk" density.

Because Townsend requires a cigarette rod with four density regions, the middle two densities being different by 15%, it does not anticipate the presently claimed invention. The calculation used by the Examiner to argue anticipation in the previous office action requires two intermediate segments and two end segments. This

comparison is no longer valid with regard to the present claims. As amended, Townsend does not teach or disclose each and every feature of the claimed invention. Therefore, Applicant's respectfully request this rejection be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claims 3 and 7 stand rejected under 35 U.S.C. § 103 as being obvious over Townsend in view of DeWitt (3,604,429). This rejection has been obviated by appropriate amendment. Claims 3 and 7 depend from claims 1 and 4. As discussed above claims 1 and 4 are patentable, as amended, and therefore the claims that depend therefrom are also patentable. Applicants respectfully request the Examiner to withdraw this rejection.

Conclusion

In view of the forgoing amendments and remarks, Applicants respectfully assert that the rejections are rendered moot or overcome and the claims are in condition for allowance. Should there be any matters of a formal nature to be clarified, please call the undersigned attorney in order to expedite allowance of this application.

Respectfully submitted,



Amanda M. Church
Registration No. 52,469
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200